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SUBJECT: Mixco Security Woes Leave Bus Drivers Dead, Erode Public
Confidence While Officials Seek Response

REF: A) GUATEMALA 2008 775; B) GUATEMALA 2009 644
C) GUATEMALA 2009 857

CLASSIFIED BY: Stephen G. Mcfarland, Ambassador, DoS, EXEC; REASON:
1.4(B), (D)

11. (C) Summary: Mixco, the largest suburb of Guatemala City, has experienced a sharp rise in violence over the last year, especially in attacks against bus drivers. Post believes much of the violence is perpetrated by organized crime and gangs that kill those unwilling or unable to pay their extortion demands. Mixco residents also accuse the police force of corruption and complicity in the crimes. Mixco Mayor AmC-lcar Rivera calle on President Colom to declare a "State of Prevention", which the President denied to do. The USG funds or assists several efforts in Mixco to reform the justice sector and some arQaking progress. These projects include a 24-Hour Court, a Model Precinct program organized by the Narcotics Affairs Section (NAS), and five USAID sponsored Outreach Centers targeted at helping at-risk youth. However, ongoing issues such as dwindling tax receipts (9.9% of GDP), mounting public debt, cuts in the Ministry of Government's budget and entrenched corruption remain challenges. End Summary.

12. (U) Mixco is a large suburb of Guatemala City with approximately 1.5 million residents. The socio-economic status or local residents varies, but the town is largely lower-middle class. Several residents told visiting Emboffs that the recent surge in violence has had a pronounced effect on the community. Almost weekly murders of bus drivers and their assistants have instilled a sense of fear and many people have curtailed their activities after business hours. While other issues, such as the city's economic development, education and health, may be important, the public security is clearly the top concern.

TRANSIT EXTORTION BREEDS VIOLENCE

13. (U) Over the last year, 43 bus drivers or assistants have been murdered in Mixco. Local court officials described this figure as a rise over last year, when the number was relatively low, and noted that there has also been an increase in extortion cases. The two crimes are usually linked as bus killings are often retribution for a driver failing to pay-off gang members. Transit administrators told Emboffs that an extortionist usually demands approximately \$12 USD per day for every bus, resulting in a loss of up to \$300-\$400 USD/day per bus line. (For a description of the Guatemalan bus system, please see Ref A.) Further, a bus line can be "taxed" by different extortion groups subsequently doubling or tripling income loss. When a driver is unable to afford the rate, he may negotiate a temporary fee reduction with the extortionist. However, rather than negotiate, the extortionists will frequently

kill the driver and/or his assistant. Extortion rings are well organized and, according to local law enforcement, "operate like a well-oiled machine." According to Mayor Rivera, compounding the problem for law enforcement officials is the traditional problem of defeating organized crime - it is easy to identify and arrest the low-level "workers," but bosses and masterminds remain elusive.

14. (C) Mayor Rivera also identified drug trafficking and narcotics consumption as a growing problem in Mixco. He said that traditionally local gangs transported drugs for narco-traffickers and were paid in cash. However, these payments are now made in product, prompting gangs to sell drugs locally. This, in turn, has engendered new problems in Mixco, including: rising drug consumption, prostitution, increased petty crime and turf wars. A clergy member at the local parish confirmed Mayor Rivera's assertions and said that the 18th St. and MS-13 gangs frequently battle for territory to sell drugs from, further eroding public security. NAS reports that this new system is more typical of Mexican drug cartels and could indicate their hand in Mixco's drug trade.

EVERYBODY KNOWS WHO IT IS

15. (U) Several local residents confirmed that there is very little

public confidence in the justice system or the National Civil Police (PNC) to deal with the security problem. Various residents expressed their belief that the PNC is corrupt and controlled by criminal influences and that the justice system is dysfunctional. This is especially a problem because, as one clergy member stated, "everyone [in Mixco] knows who the extortionists are," but no one says anything about it because the police do nothing and one risks one's own life by informing the authorities. The PNC Station Chief acknowledged that, in the past, corruption had damaged the public's faith in the security forces. Nonetheless, he felt that some people maintained confidence in the PNC and, with greater resources, the institution could help to alleviate the current security situation. (Note: Former Minister of Government Salvador Gandara told P/E Counselor that most Guatemala City-area police chiefs are complicit in gang extortion on the killings of bus drivers. End Note)

STATE OF PREVENTION - A POSSIBLE ANTIDOTE?

16. (U) Mixco's security situation prompted Mayor Rivera to request that President Colom declare a "State of Prevention" within Mixco. (Note: The Guatemalan Constitution describes a "State of Prevention" in Article 138. It allows the government to suspend some civil rights and deploy additional troops to the specified area in order to counter a threat to public safety. The Colom Administration has used the State of Prevention before, including during a transportation crisis in Guatemala City in 2008 (Ref B). End Note.) Mayor Rivera said that he requested the State of Prevention with the hope that putting troops on the street would deter the bus killings and extortion. Some observers, however, felt that the request was political and designed to raise the Mayor's profile and force the Ministry of Government to act on several issues that had been delayed (for example, the assignment of officers to the new Model Precinct). On October 28, Colom rejected the Mayor's request. Bus lines added armed, private security guards to the routes most heavily afflicted by the uptick in violence. The PNC also placed some uniformed police on the buses as well.

17. (U) Mayor Rivera voiced his frustration with President Colom's

decision and stated that the government should "use every constitutional tool available," to end the violence in Mixco. He felt sure that bringing additional troops and patrols to the area would deter violence and extortion and restore a sense of normalcy to the community. Local residents echoed the Mayor's sentiment, stating they felt the measure would have a positive effect, at least in the short term. None seem to mind the fact that the State of Prevention would limit their civil liberties as many have already curtailed late-night activities and no longer gather in public places after dark. .

18. (U) In rejecting Mayor Rivera's request, President Colom argued that militarizing Mixco would not restore peace or prevent extortion. In fact, despite the violence, there are already three military patrols in Mixco. A representative from the Myrna Mack Foundation, a leading Guatemalan human rights NGO, agreed and said that the thirty-day legal limit on the State of Prevention would prevent the military from effectively rooting out crime. She acknowledged that the measure was legal and has useful functions, but, in this context, it would probably not affect crime levels, nor would it stimulate real progress on security issues. Further, she added that while the uptick in violence against bus drivers in Mixco was problematic and that the crime rate was deplorable, it was not the worst in Guatemala and, as such, a State of Prevention was unlikely to be approved and that other methods should be pursued in the meantime.

INNOVATIVE INSTITUTIONS AIM TO TRANSFORM THE JUSTICE SECTOR

19. (U) Despite President Colom's decision against the "State of Prevention," there are efforts underway throughout the city to improve the justice system and steer children and at-risk youth

away from crime. One such program, supported by USAID, is the 24-Hour Court in Mixco's central plaza. The Court is a one-stop shop for criminal justice where suspects can be arraigned regardless of the hour. The 24-Hour Court has the authority to hold hearings with detainees, order pre-trial detention or bail and order arrest and search warrants. The 24-Hour model is innovative in several ways. First, by grouping all of the necessary police and judicial elements together, the Court can render quick decisions. This allows individuals to be charged within six hours of being detained, as required by Guatemalan law and it reduces the opportunity for police or government officials to engage in corrupt acts. Second, the court uses only oral arguments, a shift from traditional Guatemalan procedures which rely almost exclusively on written briefs. This expedites cases and makes all arguments and decision-making criteria public. Despite these innovations, and the Court's relative success, the institution must overcome the popular assumptions of corruption and inefficiency. One Mixco resident assumed that the Court simply released petty criminals without punishment because she saw the perpetrator on the street the next day. Her assumption was rooted in the fact that under the traditional system it would take several days to process such a case. She did not understand that the 24-Hour Court had already processed the case. Several judges acknowledged the public's overall distrust of the justice system and shared their hope that the Court will help to repair the relationship.

110. (U) The USG is also working with the GoG to improve police performance in Mixco through a variety of NAS programs. At the instigation of the Ambassador, who met with community leaders in Mixco, the Ministry of Government, will open a "Model Precinct" similar to one supported by NAS in Villa Nueva. The Model Precinct will establish a PNC unit that has undergone a careful selection process which includes polygraphs and background checks for uniformed and investigative officers. Officers receive technical training, which helps to improve their policing and investigative techniques. Practices unique to the Model Precinct include

saturation patrolling, work with schools, a confidential telephone line, and close coordination with internal affairs to limit corruption.

¶11. (U) Additionally, the Model Precinct recognizes the need to connect with the community to build relationships and public trust. This, in turn, creates an environment where residents and police work together to preserve community security. Once the Precinct has established links to the community, the Unit works to tailor police programs to more effectively address local problems. Prior to its opening, the Model Precinct brought GoG agencies together and their coordination led to a major gang arrest in September 2009 in Mixco (Ref C). In fact, we believe the uptick in violence in Mixco is directly attributable to the clampdown in neighboring Villa Nueva. NAS and SECCATID are also funding crime prevention programs, including: Drug Abuse Resistance Education (DARE), the Police Athletic League (LAP), and Gang Resistance Education and Training (GREAT). Such programs have flourished in Mixco and the NAS has indicated there has been support from First Lady Sandra Torres de Colom who manages a variety of social outreach projects for the GoG, such as Safe Schools, which are directly relevant to the USG's goal of engaging the community.

CIVIL SOCIETY REACHES AT-RISK YOUTH

¶11. (U) Civil society is reaching out to at-risk youth in Mixco to provide positive alternatives to gangs and organized crime. Youth Alliance, the Technical Training Institute (INTECAP), and USAID manage five Outreach Centers in Mixco. Emboffs visited the Center in Mixco's main plaza and spoke with a volunteer assistant who identified himself as an "at-risk youth." He lauded the Center's program and how it has affected him personally. The Center has twelve computer stations and offers classes in basic computer skills to teens. The Center also offers several different sports classes including break-dancing which has become popular with local teens attracting 20-30 student participants daily. Finally, there are opportunities for students to receive technical training that could help them develop a trade and eventually find a job. According to the assistant, the combined programs of one Outreach Center reach several hundred local youths weekly. The assistant

said that the Center's ultimate aim is to "distract" teens from what was happening in the streets and to help them build athletic, social, and technical skills that will help them as they grow older.

¶13. (SBU) Comment: The strength of organized crime, drug traffickers and youth gangs, alongside a corrupt and ineffective police force has led to a situation in which criminals operate with near impunity in Mixco. Despite the ongoing security problems, Mayor Rivera believes that the Model Precinct and other programs are steps in the right direction. While these programs can create momentum, sustainable progress requires significant political will and resources from both the GoG and local government. Additionally, the GoG will have to strengthen the PNC's investigative capacity and root out corruption to build trust in the justice sector. However, ongoing issues such as dwindling tax receipts (9.9% of GDP), mounting public debt, cuts in the Ministry of Government's budget and entrenched corruption will continue to make these goals difficult to achieve. End Comment.
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